

By Tarbo

H. B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the creation, organization, powers, duties, and procedures of the Texas Board of Athletic Trainers to license athletic trainers; providing penalties; providing effective dates; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. DEFINITIONS. In this Act:

(1) "Athletic Trainer" means a person who instructs other persons in exercise, activities, games, fitness programs, or rehabilitation of a physical nature or uses physical modalities such as heat, light, sound, cold, electricity, or mechanical devices related to sports.

(2) "Board" means the Texas Board of Athletic Trainers.

Sec. 2. TEXAS BOARD OF ATHLETIC TRAINERS. (a) The Texas Board of Athletic Trainers, composed of three members, is created. To qualify as a member, a person must be a citizen of the United States and a resident of Texas for five years immediately preceding appointment. Two members must be licensed athletic trainers, except for the initial appointees, and one member must be a physician licensed by the state.

(b) The members of the board shall be appointed by the governor with the advice and consent of the Senate. Except for the initial appointees, members hold office for terms of six years. The terms expire on January 31 of odd-numbered years. In making the initial appointments, the governor shall designate one member for a term expiring in 1973, one member for a term expiring in 1975, and one member for a term expiring in 1977.

(c) Each appointee to the board shall qualify by taking the constitutional oath of office within 15 days from the date of his appointment. On presentation of the oath, the secretary of state shall issue commissions to appointees as evidence of their authority to act as members of the board.

(d) In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the governor in the same manner as other appointments.

Sec. 3. BOARD ORGANIZATION AND MEETINGS. (a) The board shall elect from its members for a term of one year, a chairman, vice-chairman, and secretary-treasurer, and may appoint such committees as it considers necessary to carry out its duties.

(b) The board shall meet at least twice a year. Additional meetings may be held on the call of the chairman or at the written request of any two members of the board.

(c) The quorum required for any meeting of the board is two members. No action by the board or its members has any effect unless a quorum of the board is present.

1 Sec. 4. RECORDS. (a) The board shall keep a record of its
2 proceedings in a book kept for that purpose.
3 (b) The board shall keep a complete record of all licensed
4 athletic trainers and shall annually prepare a roster showing the
5 names and addresses of all licensed athletic trainers. A copy
6 of the roster shall be made available to any person requesting it
7 on payment of a fee established by the board as sufficient to
8 cover the costs of the roster.
9 Sec. 5. POWERS AND DUTIES OF THE BOARD. (a) The board
10 may make rules and regulations consistent with this Act which are
11 necessary for the performance of its duties.
12 (b) The board shall prescribe application forms for
13 license applicants.
14 (c) The board shall establish guidelines for athletic
15 trainers in the state and prepare and conduct an examination for
16 applicants for a license.
17 (d) The board may employ an executive secretary and other
18 persons necessary to carry out the provisions of this Act. The
19 executive secretary shall have such duties and responsibilities
20 as the board may determine.
21 (e) The board shall adopt an official seal and the form of
22 a license certificate of suitable design. The board shall have
23 suitable office space to administer the provisions of this Act
24 and keep permanent records.
25 (f) Before entering on the discharge of the duties of his
26 office, the secretary-treasurer of the board must give bond for
27 the performance of his duty in an amount determined by the board.
28 The premium on the bond shall be paid from any available funds of
29 the board.
30 (g) The secretary-treasurer of the board shall remit, on
31 or before the 10th day of each month, to the state treasurer all
32 of the fees collected by the board during the preceding month for
33 deposit in the general revenue fund.
34 (h) The board may authorize all necessary disbursements to
35 carry out the provisions of this Act, including the premium on
36 the bond of the secretary-treasurer, stationery expenses, equip-
37 ment, and facilities necessary to carry out the provisions of
38 this Act.
39 (i) The board may issue subpoenas to compel witnesses to
40 testify or produce evidence in a proceeding to deny, revoke, or
41 suspend a license.
42 Sec. 6. COMPENSATION. The compensation and travel expense
43 allowance for members of the board and its employees shall be
44 provided by the General Appropriations Act.
45 Sec. 7. FEES. The fees are:
46 (1) an athletic trainer examination fee of \$20 for each
47 examination taken;
48 (2) an athletic trainer license fee of \$25; and
49 (3) an athletic trainer annual license renewal fee of \$10.
50 Sec. 8. PROHIBITED ACTS. No person may hold himself out
51 as an athletic trainer or perform, for compensation, any of the
52 activities of an athletic trainer as defined in this Act without
53 first obtaining a license under this Act.
54

1 Sec. 9. QUALIFICATIONS. An applicant for an athletic
2 trainer license must possess one of the following qualifications:
3 (1) have met the athletic training curriculum requirements
4 of a college or university approved by the board and give proof
5 of graduation; or
6 (2) hold a degree in physical therapy with at least a
7 minor in physical education or health which included coaching
8 courses and a basic athletic training course, hold a valid teach-
9 ing certificate for the State of Texas, and have spent at least
10 two years under the direct supervision of a licensed athletic
11 trainer; or
12 (3) have completed at least four years as an apprentice
13 athletic trainer under the direct supervision of a licensed ath-
14 letic trainer.

15 Sec. 10. ISSUANCE OF LICENSE. (a) An applicant for an
16 athletic trainer license must submit an application to the board
17 on forms prescribed by the board and submit the examination fee
18 required by this Act.

19 (b) The applicant is entitled to an athletic trainer
20 license if he possesses the qualifications enumerated in Sec-
21 tion 9 of this Act, satisfactorily completes the examination
22 administered by the board, pays the license fee as set in Sec-
23 tion 7 of this Act, and has not committed an act which constitutes
24 grounds for denial of a license under Section 12 of this Act.

25 Sec. 11. LICENSE RENEWAL. A license issued pursuant to
26 this Act expires one year from the date of issuance. Licenses
27 shall be renewed according to procedures established by the board
28 and payment of the renewal fee as set in Section 7 of this Act.

29 Sec. 12. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF
30 LICENSE. The board may refuse to issue a license to an applicant
31 or may suspend or revoke the license of any licensee if he has:
32 (1) been convicted of a felony or misdemeanor involving
33 moral turpitude, the record of conviction being conclusive evi-
34 dence of conviction; or
35 (2) secured the license by fraud or deceit; or
36 (3) violated or conspired to violate the provisions of
37 this Act or rules and regulations issued pursuant to this Act.

38 Sec. 13. PROCEDURES FOR DENIAL, SUSPENSION, OR REVOCATION
39 OF A LICENSE. (a) Any person whose application for a license
40 is denied is entitled to a hearing before the board if he submits
41 a written request to the board.

42 (b) Proceedings for revocation or suspension of a license
43 shall be commenced by filing charges with the board in writing
44 and under oath. The charges may be made by any person or persons.

45 (c) The board shall fix a time and place for a hearing and
46 shall cause a written copy of the charges or reason for denial of
47 a license, together with a notice of the time and place fixed for
48 hearing, to be served on the applicant requesting the hearing or
49 licensee against whom the charges have been filed at least
50 20 days prior to the date set for the hearing. Service of
51 charges and notice of hearing may be given by certified mail to
52 the last known address of the licensee or applicant.

53 (d) At the hearing the applicant or licensee has the right
54 to appear either personally or by counsel, or both, to produce

1 witnesses, and to have subpoenas issued by the board and to
2 cross-examine the opposing or adverse witnesses.

3 (e) The board is not bound by strict rules of procedure or
4 by the laws of evidence in the conduct of the proceedings but the
5 determination shall be founded upon sufficient legal evidence to
6 sustain it.

7 (f) The board shall determine the charges on their merits
8 and enter an order in a permanent record setting forth the find-
9 ings of fact and law and the action taken. A copy of the order
10 of the board shall be mailed to the applicant or licensee at his
11 last known address by certified mail.

12 (g) On application, the board may reissue a license to a
13 person whose license has been cancelled or revoked, but the
14 application may not be made prior to the expiration of a period
15 of six months after the order of cancellation or revocation has
16 become final, and the application shall be made in the manner and
17 form as the board may require.

18 Sec. 14. PROCEDURES FOR APPEAL. (a) A person whose
19 application for a license has been refused or whose license has
20 been cancelled, revoked, or suspended by the board may take an
21 appeal, within 20 days after the order is entered, to any dis-
22 trict court of Travis County or to any district court of the
23 county of his residence.

24 (b) A case reviewed under the provisions of this section
25 proceeds in the district court by trial de novo as that term is
26 used and understood in appeals from justice of the peace courts
27 to the county courts of this state. Appeal from the judgment of
28 the district court lies as in other civil cases.

29 Sec. 15. PENALTIES. Any person who violates a provision
30 of this Act is guilty of a misdemeanor and on conviction is pun-
31 ishable by a fine of not less than \$25 nor more than \$200.

32 Sec. 16. ISSUANCE OF LICENSES ON THE EFFECTIVE DATE OF
33 THIS ACT. (a) Any person actively engaged as an athletic
34 trainer on the effective date of this Act shall be issued a
35 license if he submits proof of five years' experience as an ath-
36 letic trainer within the preceding 10-year period, passes the
37 examination prepared and conducted by the board, and pays the
38 license fee required by this Act.

39 (b) For the purposes of this section a person is actively
40 engaged as an athletic trainer if he is employed on a salary
41 basis by an educational institution, professional athletic organ-
42 ization, or other bona fide athletic organization for the dura-
43 tion of the institution's school year, or the length of the
44 athletic organization's season, and, performs the duties of ath-
45 letic trainer as a major responsibility of his employment.

46 Sec. 17. EFFECTIVE DATE. Section 8 of this Act becomes
47 effective on January 1, 1972. The remainder of this Act becomes
48 effective on September 1, 1971.

49 Sec. 18. EMERGENCY. The importance of this legislation and
50 the crowded condition of the calendars in both houses create an
51 emergency and an imperative public necessity that the Constitu-
52 tional Rule requiring bills to be read on three several days in
53 each house be suspended, and this Rule is hereby suspended.

FORM C

(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

COMMITTEE REPORT

Date 4/17/71

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on GOVERNMENTAL AFFAIRS AND EFFICIENCY, to whom was referred H. B. No. 602, have had the same under consideration and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.

The Bill was reported from Committee by the following vote:

Unanimous voice vote

Majority voice vote

Vote of _____ ayes and _____ nays.

Will L. Smith

Chairman.

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

By: Tarbox

H. B. No. 602

(In the House. --Filed February 17, 1971; February 22, 1971, read first time and referred to Committee on Governmental Affairs and Efficiency: April 20, 1971, reported favorably, as amended by Majority Vote, sent to Printer.)

A BILL TO BE ENTITLED

AN ACT

relating to the creation, organization, powers, duties, and procedures of the Texas Board of Athletic Trainers to license athletic trainers; providing penalties; providing effective dates; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. DEFINITIONS. In this Act:

(1) "Athletic Trainer" means a person who instructs other persons in exercise, activities, games, fitness programs, or rehabilitation of a physical nature or uses physical modalities such as heat, light, sound, cold, electricity, or mechanical devices related to sports.

(2) "Board" means the Texas Board of Athletic Trainers.

Sec. 2. TEXAS BOARD OF ATHLETIC TRAINERS. (a) The Texas Board of Athletic Trainers, composed of three members, is created. To qualify as a member, a person must be a citizen of the United States and a resident of Texas for five years immediately preceding appointment. Two members must be licensed athletic trainers, except for the initial appointees, and one member must be a physician licensed by the state.

(b) The members of the board shall be appointed by the governor with the advice and consent of the Senate. Except for the initial appointees, members hold office for terms of six years. The terms expire on January 31 of odd-numbered years. In making the initial appointments, the governor shall designate one member for a term expiring in 1973, one member for a term expiring in 1975, and one member for a term expiring in 1977.

(c) Each appointee to the board shall qualify by taking the constitutional oath of office within 15 days from the date of his appointment. On presentation of the oath, the secretary of state shall issue commissions to appointees as evidence of their authority to act as members of the board.

(d) In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the governor in the same manner as other appointments.

Sec. 3. BOARD ORGANIZATION AND MEETINGS. (a) The board shall elect from its members for a term of one year, a chairman, vice-chairman, and secretary-treasurer, and may appoint such committees as it considers necessary to carry out its duties.

(b) The board shall meet at least twice a year. Additional meetings may be held on the call of the chairman or at the written request of any two members of the board.

(c) The quorum required for any meeting of the board is two members. No action by the board or its members has any effect unless a quorum of the board is present.

1 Sec. 4. RECORDS. (a) The board shall keep a record of its
2 proceedings in a book kept for that purpose.

3 (b) The board shall keep a complete record of all licensed
4 athletic trainers and shall annually prepare a roster showing the
5 names and addresses of all licensed athletic trainers. A copy
6 of the roster shall be made available to any person requesting it
7 on payment of a fee established by the board as sufficient to
8 cover the costs of the roster.

9 Sec. 5. POWERS AND DUTIES OF THE BOARD. (a) The board
10 may make rules and regulations consistent with this Act which are
11 necessary for the performance of its duties.

12 (b) The board shall prescribe application forms for
13 license applicants.

14 (c) The board shall establish guidelines for athletic
15 trainers in the state and prepare and conduct an examination for
16 applicants for a license.

17 (d) The board may employ an executive secretary and other
18 persons necessary to carry out the provisions of this Act. The
19 executive secretary shall have such duties and responsibilities
20 as the board may determine.

21 (e) The board shall adopt an official seal and the form of
22 a license certificate of suitable design. The board shall have
23 suitable office space to administer the provisions of this Act
24 and keep permanent records.

25 (f) Before entering on the discharge of the duties of his
26 office, the secretary-treasurer of the board must give bond for
27 the performance of his duty in an amount determined by the board.
28 The premium on the bond shall be paid from any available funds of
29 the board.

30 (g) The secretary-treasurer of the board shall remit, on
31 or before the 10th day of each month, to the state treasurer all
32 of the fees collected by the board during the preceding month for
33 deposit in the general revenue fund.

34 (h) The board may authorize all necessary disbursements to
35 carry out the provisions of this Act, including the premium on
36 the bond of the secretary-treasurer, stationery expenses, equip-
37 ment, and facilities necessary to carry out the provisions of
38 this Act.

39 (i) The board may issue subpoenas to compel witnesses to
40 testify or produce evidence in a proceeding to deny, revoke, or
41 suspend a license.

42 Sec. 6. COMPENSATION. The compensation and travel expense
43 allowance for members of the board and its employees shall be
44 provided in the General Appropriations Act.

45 Sec. 7. FEES. The fees are:

46 (1) an athletic trainer examination fee of \$20 for each
47 examination taken;

48 (2) an athletic trainer license fee of \$25; and

49 (3) an athletic trainer annual license renewal fee of \$10.

50 Sec. 8. PROHIBITED ACTS. No person may hold himself out
51 as an athletic trainer or perform, for compensation, any of the
52 activities of an athletic trainer as defined in this Act without
53 first obtaining a license under this Act.
54

1 Sec. 9. QUALIFICATIONS. An applicant for an athletic
2 trainer license must possess one of the following qualifications:

3 (1) have met the athletic training curriculum requirements
4 of a college or university approved by the board and give proof
5 of graduation; or

6 (2) hold a degree in physical therapy with at least a
7 minor in physical education or health which included coaching
8 courses and a basic athletic training course, hold a valid teach-
9 ing certificate for the State of Texas, and have spent at least
10 two years under the direct supervision of a licensed athletic
11 trainer; or

12 (3) have completed at least four years as an apprentice
13 athletic trainer under the direct supervision of a licensed ath-
14 letic trainer.

15 Sec. 10. ISSUANCE OF LICENSE. (a) An applicant for an
16 athletic trainer license must submit an application to the board
17 on forms prescribed by the board and submit the examination fee
18 required by this Act.

19 (b) The applicant is entitled to an athletic trainer
20 license if he possesses the qualifications enumerated in Sec-
21 tion 9 of this Act, satisfactorily completes the examination
22 administered by the board, pays the license fee as set in Sec-
23 tion 7 of this Act, and has not committed an act which constitutes
24 grounds for denial of a license under Section 12 of this Act.

25 Sec. 11. LICENSE RENEWAL. A license issued pursuant to
26 this Act expires one year from the date of issuance. Licenses
27 shall be renewed according to procedures established by the board
28 and payment of the renewal fee as set in Section 7 of this Act.

29 Sec. 12. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF
30 LICENSE. The board may refuse to issue a license to an applicant
31 or may suspend or revoke the license of any licensee if he has:

32 (1) been convicted of a felony or misdemeanor involving
33 moral turpitude, the record of conviction being conclusive evi-
34 dence of conviction; or

35 (2) secured the license by fraud or deceit; or

36 (3) violated or conspired to violate the provisions of
37 this Act or rules and regulations issued pursuant to this Act.

38 Sec. 13. PROCEDURES FOR DENIAL, SUSPENSION, OR REVOCATION
39 OF A LICENSE. (a) Any person whose application for a license
40 is denied is entitled to a hearing before the board if he submits
41 a written request to the board.

42 (b) Proceedings for revocation or suspension of a license
43 shall be commenced by filing charges with the board in writing
44 and under oath. The charges may be made by any person or persons.

45 (c) The board shall fix a time and place for a hearing and
46 shall cause a written copy of the charges or reason for denial of
47 a license, together with a notice of the time and place fixed for
48 hearing, to be served on the applicant requesting the hearing or
49 licensee against whom the charges have been filed at least
50 20 days prior to the date set for the hearing. Service of
51 charges and notice of hearing may be given by certified mail to
52 the last known address of the licensee or applicant.

53 (d) At the hearing the applicant or licensee has the right
54 to appear either personally or by counsel, or both, to produce

1 witnesses, and to have subpoenas issued by the board and to
2 cross-examine the opposing or adverse witnesses.

3 (e) The board is not bound by strict rules of procedure or
4 by the laws of evidence in the conduct of the proceedings but the
5 determination shall be founded upon sufficient legal evidence to
6 sustain it.

7 (f) The board shall determine the charges on their merits
8 and enter an order in a permanent record setting forth the find-
9 ings of fact and law and the action taken. A copy of the order
10 of the board shall be mailed to the applicant or licensee at his
11 last known address by certified mail.

12 (g) On application, the board may reissue a license to a
13 person whose license has been cancelled or revoked, but the
14 application may not be made prior to the expiration of a period
15 of six months after the order of cancellation or revocation has
16 become final, and the application shall be made in the manner and
17 form as the board may require.

18 Sec. 14. PROCEDURES FOR APPEAL. (a) A person whose
19 application for a license has been refused or whose license has
20 been cancelled, revoked, or suspended by the board may take an
21 appeal, within 20 days after the order is entered, to any dis-
22 trict court of Travis County or to any district court of the
23 county of his residence.

24 (b) A case reviewed under the provisions of this section
25 proceeds in the district court by trial de novo as that term is
26 used and understood in appeals from justice of the peace courts
27 to the county courts of this state. Appeal from the judgment of
28 the district court lies as in other civil cases.

29 Sec. 15. PENALTIES. Any person who violates a provision
30 of this Act is guilty of a misdemeanor and on conviction is pun-
31 ishable by a fine of not less than \$25 nor more than \$200.

32 Sec. 16. ISSUANCE OF LICENSES ON THE EFFECTIVE DATE OF
33 THIS ACT. (a) Any person actively engaged as an athletic
34 trainer on the effective date of this Act shall be issued a
35 license if he submits proof of five years' experience as an ath-
36 letic trainer within the preceding 10-year period, passes the
37 examination prepared and conducted by the board, and pays the
38 license fee required by this Act.

39 (b) For the purposes of this section a person is actively
40 engaged as an athletic trainer if he is employed on a salary
41 basis by an educational institution, professional athletic organ-
42 ization, or other bona fide athletic organization for the dura-
43 tion of the institution's school year, or the length of the
44 athletic organization's season, and, performs the duties of ath-
45 letic trainer as a major responsibility of his employment.

46 Sec. 17. EFFECTIVE DATE. Section 8 of this Act becomes
47 effective on January 1, 1972. The remainder of this Act becomes
48 effective on September 1, 1971.

49 Sec. 18. EMERGENCY. The importance of this legislation and
50 the crowded condition of the calendars in both houses create an
51 emergency and an imperative public necessity that the Constitu-
52 tional Rule requiring bills to be read on three several days in
53 each house be suspended, and this Rule is hereby suspended.
54

COMMITTEE AMENDMENT NO. 1

Amend H. B. 602 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. DEFINITIONS. In this Act:

(1) "Athletic Trainer" means a person (with specific qualifications, as set forth in Section 9 of this Act, who, upon the advice and consent of his team physician carries out the practice of prevention and/or physical rehabilitation of injuries incurred by athletes. To carry out these functions the Athletic trainer is authorized to use physical modalities such as heat, light, sound, cold, electricity, or mechanical devices related to rehabilitation and treatment.)

(2) "Board" means the Texas Board of Athletic Trainers.

((3) Nothing herein shall be construed to authorize the practice of medicine by any person not licensed by the Texas State Board of Medical Examiners."

(4) The provisions of this act do not apply to physicians licensed by the Texas State Board of Medical Examiners; to dentists, duly qualified and registered under the laws of this state who, confine their practice strictly to dentistry; nor to licensed optometrists, who confine their practice strictly to optometry as defined by statute; nor to occupational therapists, who confine their practice to occupational therapy; nor to nurses who practice nursing only; nor to duly licensed chiropodists or podiatrists, who confine their practice strictly to chiropody or podiatry as defined by statute; nor to physical therapists who confine their practice to physical therapy; nor to masseurs or masseuses in their particular sphere of labor; nor to commissioned or contract physicians or physical therapists or physical therapists assistants in the United States Army, Navy, Air Force, Public Health and Marine Health Service. ")

Sec. 2. TEXAS BOARD OF ATHLETIC TRAINERS. (a) The Texas Board of Athletic Trainers, composed of three members, is created. To qualify as a member, a person must be a citizen of the United States and a resident of Texas for five years immediately preceding appointment. Two members must be licensed athletic trainers, except for the initial appointees, and one member must be a physician licensed by the state.

(b) The members of the board shall be appointed by the governor with the advice and consent of the Senate. Except for the initial appointees, members hold office for terms of six years. The terms expire on January 31 of odd-numbered years. In making the initial appointments, the governor shall designate one member for a term expiring in 1973, one member for a term expiring in 1975, and one member for a term expiring in 1977.

(c) Each appointee to the board shall qualify by taking the constitutional oath of office within 15 days from the date of his appointment. On presentation of the oath, the secretary of state shall issue commissions to appointees as evidence of their authority to act as members of the board.

(d) In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the governor in the same manner as other appointments.

Sec. 3. BOARD ORGANIZATION AND MEETINGS. (a) The Board shall elect from its members for a term of one year, a chairman, vice-chairman, and secretary-treasurer, and may appoint such committees as it considers necessary to carry out its duties.

(b) The board shall meet at least twice a year. Additional meetings may be held on the call of the chairman or at the written request of any two members of the board.

(c) The quorum required for any meeting of the board is two members. No action by the board or its members has any effect unless a quorum of the board is present.

1 Sec. 4. RECORDS. (a) The board shall keep a record of its proceedings
2 in a book for that purpose.

3 (b) The board shall keep a complete record of all licensed athletic trainers
4 and shall annually prepare a roster showing the names and addresses of all
5 licensed athletic trainers. A copy of the roster shall be made available to
6 any person requesting it on payment of a fee established by the board as suffi-
7 cient to cover the costs of the roster.

8 Sec. 5. POWERS AND DUTIES OF THE BOARD. (a) The board may make
9 rules and regulations consistent with this Act which are necessary for the
10 performance of its duties.

11 (b) The board shall prescribe application forms for license applicants.

12 (c) The board shall establish guidelines for athletic trainers in the state
13 and prepare and conduct an examination for applicants for a license.

14 (d) The board may employ an executive secretary and other persons nec-
15 essary to carry out the provisions of this Act. The executive secretary
16 shall have such duties and responsibilities as the board may determine.

17 (e) The board shall adopt an official seal and the form of a license certif-
18 icate of suitable design. The board shall have suitable office space to ad-
19 minister the provisions of this Act and keep permanent records.

20 (f) Before entering on the discharge of the duties of his office, the
21 secretary-treasurer of the board must give bond for the performance of his
22 duty in an amount determined by the board. The premium on the bond shall
23 be paid from any available funds of the board.

24 (g) The secretary-treasurer of the board shall remit, on or before the
25 10th day of each month, to the state treasurer all of the fees collected by
26 the board during the preceding month for deposit in the general revenue
27 fund.

28 (h) The board may authorize all necessary disbursements to carry out
29 the provisions of this Act, including the premium on the bond of the secre-
30 tary-treasurer, stationery expenses, equipment, and facilities necessary
31 to carry out the provisions of this Act.

32 (i) The board may issue subpoenas to compel witnesses to testify or
33 produce evidence in a proceeding to deny, revoke, or suspend a license.

34 Sec. 6. COMPENSATION. The compensation and travel expense allowance
35 for members of the board and its employees shall be provided in the General
36 Appropriations Act.

37 Sec. 7. FEES. The fees are:

38 (1) an athletic trainer examination fee of \$20 for each examination taken;

39 (2) an athletic trainer license fee of \$25; and

40 (3) an athletic trainer annual license renewal fee of \$10.

41 Sec. 8. PROHIBITED ACTS. No person may hold himself out as an athletic
42 trainer or perform, for compensation, any of the activities of an athletic
43 trainer as defined in this Act without first obtaining a license under this Act.

44 Sec. 9. QUALIFICATIONS. An applicant for an athletic trainer license
45 must possess one of the following qualifications:

46 (1) have met the athletic training curriculum requirements of a college or
47 university approved by the board and give proof of graduation; or

48 (2) hold a degree in physical therapy (or corrective therapy) with at least
49 a minor in physical education or health which included a basic athletic train-
50 ing course, hold a valid teaching certificate for the State of Texas, and have
51 spent at least two academic years working under the direct supervision of
52 a licensed athletic trainer; or

53 (3) have completed at least four years (beyond the secondary school level,
54 as an undergraduate or graduate student) as an apprentice athletic trainer
55 under the direct supervision of a licensed athletic trainer. These must be
56 consecutive years of supervision (military duty excepted).

57
58
59
60

1 ((4) An out-of-state applicant must fulfill one of the above stated qualifica-
2 tions, (1), (2), or (3), and submit proof of active engagement as an athletic
3 trainer in the State of Texas as set forth in Sec. 16 (b) of this Act.)

4 Sec. 10 ISSUANCE OF LICENSE. (a) An applicant for an athletic trainer
5 license must submit an application to the board on forms prescribed by the
6 board and submit the examination fee required by this Act.

7 (b) The applicant is entitled to an athletic trainer license if he possesses
8 the qualifications enumerated in Section 9 of this Act, satisfactorily completes
9 the examination administered by the board, pays the license fee as set in
10 Section 7 of this Act, and has not committed an act which constitutes grounds
11 for denial of a license under Section 12 of this Act.

12 Sec. 11. LICENSE RENEWAL. A license issued pursuant to this Act
13 expires one year from the date of issuance. Licenses shall be renewed
14 according to procedures established by the board and payment of the renewal
15 fee as set in Section 7 of this Act.

16 Sec. 12. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF
17 LICENSE. The board may refuse to issue a license to an applicant or may
18 suspend or revoke the license of any licensee if he has:

19 (1) been convicted of a felony or misdemeanor involving moral turpitude,
20 the record of conviction being conclusive evidence of conviction; or

21 (2) secured the license by fraud or deceit; or

22 (3) violated or conspired to violate the provisions of this Act or rules
23 and regulations issued pursuant to this Act.

24 Sec. 13. PROCEDURES FOR DENIAL, SUSPENSION, OR REVOCATION
25 OF A LICENSE. (a) Any person whose application for a license is denied
26 is entitled to a hearing before the board if he submits a written request to
27 the board.

28 (b) Proceedings for revocation or suspension of a license shall be com-
29 menced by filing charges with the board in writing and under oath. The
30 charges may be made by any person or persons.

31 (c) The board shall fix a time and place for a hearing and shall cause a
32 written copy of the charges or reason for denial of a license, together with
33 a notice of the time and place fixed for hearing, to be served on the appli-
34 cant requesting the hearing or licensee against whom the charges have been
35 filed at least 20 days prior to the date set for the hearing. Service of charges
36 and notice of hearing may be given by certified mail to the last known address
37 of the licensee or applicant.

38 (d) At the hearing the applicant or licensee has the right to appear either
39 personally or by counsel, or both, to produce witnesses, and to have sub-
40 poenas issued by the board and to cross-examine the opposing or adverse
41 witnesses.

42 (e) The board is not bound by strict rules of procedure or by the laws of
43 evidence in the conduct of the proceedings but the determination shall be
44 founded upon sufficient legal evidence to sustain it.

45 (f) The board shall determine the charges on their merits and enter an
46 order in a permanent record setting forth the findings of fact and law and
47 the action taken. A copy of the order of the board shall be mailed to the
48 applicant or licensee at his last known address by certified mail.

49 (g) On application, the board may reissue a license to a person whose
50 license has been cancelled or revoked, but the application may not be made
51 prior to the expiration of a period of six months after the order of cancel-
52 lation or revocation has become final, and the application shall be made in
53 the manner and form as the board may require.

54 Sec. 14. PROCEDURES FOR APPEAL. (a) A person whose application
55 for a license has been refused or whose license has been cancelled, revoked,
56 or suspended by the board may take an appeal, within 20 days after the order
57 is entered, to any district court of Travis County or to any district court
58 of the county of his residence.

1 (b) A case reviewed under the provisions of this section proceeds in
2 the district court by trial de novo as that term is used and understood in
3 appeals from justice of the peace courts to the county courts of this state.
4 Appeal from the judgment of the district court lies as in other civil cases.

5 Sec. 15. PENALTIES. Any person who violates a provision of this
6 Act is guilty of a misdemeanor and on conviction is punishable by a fine of
7 not less than \$25 nor more than \$200.

8 Sec. 16. ISSUANCE OF LICENSES ON THE EFFECTIVE DATE OF
9 THIS ACT. (a) Any person actively engaged as an athletic trainer on the
10 effective date of this Act shall be issued a license if he submits proof of
11 five years' experience as an athletic trainer within the preceding 10-year
12 period, (and pays the license fee required by this Act.)

13 (b) For the purposes of this section a person is actively engaged as an
14 athletic trainer if he is employed on a salary basis by an educational
15 institution, professional athletic organization, or other bona fide athletic
16 organization for the duration of the institution's school year, or the length
17 of the athletic organization's season, and, performs the duties of athletic
18 trainer as the major responsibility of his employment.

19 Section 17. EFFECTIVE DATE. Section 8 of this Act becomes effective
20 on January 1, 1972. The remainder of this Act becomes effective on
21 September 1, 1971.

22 Section 18. EMERGENCY. The importance of this legislation and the
23 crowded condition of the calendars in both houses create an emergency
24 and an imperative public necessity that the Constitutional Rule requiring
25 bills to be read on three several days in each house be suspended, and this
26 Rule is hereby suspended.

D. Jones

27
28
29 COMMITTEE REPORT

COMMITTEE ROOM

Austin, Texas, April 19, 1971

31 Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

32 SIR: We, your Committee on Governmental Affairs and Efficiency, to
33 whom was referred H. B. No. 602, have had the same under consideration
34 and beg to report back with recommendation that it do pass, and be not
35 printed.

36 Committee Substitute was recommended and is to be printed in lieu of the
37 original bill.

Will L. Smith, Chairman

38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

BILL ANALYSIS

Background Information:

This is new legislation creating the Texas Board of Athletic Trainers. The Board is to regulate the profession by licensing existing and all future trainers before they may practice within the State. The reason for this legislation is that no standards now exist for qualification of persons holding themselves out as athletic trainers.

What the Bill Proposes to Do:

Regulate athletic trainers by licensing.

Section by Section Analysis:

Section 1. Defines Athletic Trainer and Board.

Sec. 2. Establishes a three member Texas Board of Athletic Trainers, appointed by the Governor on advice of the Senate for 6 year terms. Gives qualifications for membership and procedures for commissioning and filling vacancies.

Sec. 3. Board is to meet at least twice a year with a quorum of 2. It may elect its own officers and appoint committees.

Sec. 4. Board is to keep licensing records and make available for a fee copies of a roster of all licensees.

Sec. 5. Gives the Board powers to make regulations, prescribe application forms, adopt an official seal, conduct licensing tests, employ an executive secretary, issue subpoenas, and make disbursements. The secretary-treasurer must be bonded and must remit all fees to the General Revenue Fund monthly.

Sec. 6. Compensation of Board members to come from General Appropriations Act.

Sec. 7. Provides a \$20 fee for each examination taken, \$25 fee for a license and a \$10 license renewal fee.

Sec. 8. Prohibits non licensed person from holding himself out as an athletic trainer.

Sec. 9. States qualifications of either a college degree related to athletic training or serve a four year apprenticeship under a licensed athletic trainer.

Sec. 10. Provides grounds to be met before issuance of a license.

Sec. 11. Procedures for annual license renewal.

Sec. 12. States grounds for denial or suspension of a license.

Sec. 13. Provides a hearing for denial or suspension of a license and notice of charges before a hearing before the Board of a suspension or revocation. The board is to keep permanent records of all such proceedings. Provides procedural guidelines for hearing.

Sec. 14. Provides for appeal of any board decision within twenty days to the district court as a trial de novo.

Sec. 15. Penalty of misdemeanor for violation of any provision of this Act.

Sec. 16. Provides that present active athletic trainers may be licensed at date of Act if they meet certain requirements therein provided.

Sec. 17. Sec. 8 of Act effective January 1, 1972 and remainder effective September 1, 1971

Sec. 18. Emergency Clause.

Summary of Committee Action:

Reported from Committee as amended by a majority voice vote.

This bill proposes new legislation.

COMMITTEE SUBSTITUTE FOR H.B. 602

By ~~Tarbox~~

H.B. No. 602

COMMITTEE AMENDMENT #1 TO H.B. 602

AMEND H.B. 602 BY STRIKING ALL BELOW THE ENACTING CLAUSE
A BILL TO BE ENTITLED

AND SUBSTITUTING IN LIEU THEREOF THE FOLLOWING:
AN ACT

~~relating to the creation, organization, powers, duties, and procedures of the Texas Board of Athletic Trainers to license athletic trainers; providing penalties; providing effective dates; and declaring an emergency.~~

~~BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS~~

Section 1. DEFINITIONS. In this Act:

(1) "Athletic Trainer" means a person with specific qualifications, as set forth in Section 9 of this Act, who, upon the advice and consent of his team physician carries out the practice of prevention and/or physical rehabilitation of injuries incurred by athletes. To carry out these functions the Athletic trainer is authorized to use physical modalities such as heat, light, sound, cold, electricity, or mechanical devices related to rehabilitation and treatment.

(2) "Board" means the Texas Board of Athletic Trainers.

(3) Nothing herein shall be construed to authorize the practice of medicine by any person not licensed by the Texas State Board of Medical Examiners.

(4) The provisions of this act do not apply to physicians licensed by the Texas State Board of Medical Examiners; to dentists, duly qualified and registered under the laws of this state who confine their practice strictly to dentistry; nor to licensed optometrists, who confine their practice strictly to optometry as defined by statute; nor to occupational therapists, who confine their practice to occupational therapy; nor to nurses who practice nursing only; nor to duly licensed chiropodists or podiatrists, who confine their practice strictly to chiropody or podiatry as defined by statute; nor to physical therapists who confine their practice to physical therapy; nor to masseurs or masseuses in their particular sphere of labor; nor to commissioned or contract physicians or physical therapists or physical therapists assistants in the United States Army, Navy, Air Force, Public Health and Marine Health Service.

Sec. 2. TEXAS BOARD OF ATHLETIC TRAINERS. (a) The Texas Board of Athletic Trainers, composed of three members, is created. To qualify as a member, a person must be a citizen of the United States and a resident of Texas for five years immediately preceding appointment. Two members must be licensed athletic trainers, except for the initial appointees, and one member must be a physician licensed by the state.

(b) The members of the board shall be appointed by the governor with the advice and consent of the Senate. Except for the initial appointees, members hold office for terms of six years. The terms expire on January 31 of odd-numbered years. In making the initial appointments, the governor shall designate one member for a term expiring in 1973, one member for a term expiring in 1975, and one member for a term expiring in 1977.

(c) Each appointee to the board shall qualify by taking the constitutional oath of office within 15 days from the date of his appointment. On presentation of the oath, the secretary of state shall issue commissions to appointees as evidence of their authority to act as members of the board.

(d) In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the governor in the same manner as other appointments.

Sec. 3. BOARD ORGANIZATION AND MEETINGS. (a) The board shall elect from its members for a term of one year, a chairman, vice chairman, and secretary-treasurer, and may appoint such committees as it considers necessary to carry out its duties.

inside Dorothy Hallman

(b) The board shall meet at least twice a year. Additional meetings may be held on the call of the chairman or at the written request of any two members of the board.

(c) The quorum required for any meeting of the board is two members. No action by the board or its members has any effect unless a quorum of the board is present.

Sec. 4. RECORDS. (a) The board shall keep a record of its proceedings in a book for that purpose.

(b) The board shall keep a complete record of all licensed athletic trainers and shall annually prepare a roster showing the names and addresses of all licensed athletic trainers. A copy of the roster shall be made available to any person requesting it on payment of a fee established by the board as sufficient to cover the costs of the roster.

Sec. 5. POWERS AND DUTIES OF THE BOARD. (a) The board may make rules and regulations consistent with this Act which are necessary for the performance of its duties.

(b) The board shall prescribe application forms for license applicants.

(c) The board shall establish guidelines for athletic trainers in the state and prepare and conduct an examination for applicants for a license.

(d) The board may employ an executive secretary and other persons necessary to carry out the provisions of this Act. The executive secretary shall have such duties and responsibilities as the board may determine.

(e) The board shall adopt an official seal and the form of a license certificate of suitable design. The board shall have suitable office space to administer the provisions of this Act and keep permanent records.

(f) Before entering on the discharge of the duties of his office, the secretary-treasurer of the board must give bond for the performance of his duty in an amount determined by the board. The premium on the bond shall be paid from any available funds of the board.

(g) The secretary-treasurer of the board shall remit, on or before the 10th day of each month, to the state treasurer all of the fees collected by the board during the preceding month for deposit in the general revenue fund.

(h) The board may authorize all necessary disbursements to carry out the provisions of this Act, including the premium on the bond of the secretary-treasurer, stationery expenses, equipment, and facilities necessary to carry out the provisions of this Act.

(i) The board may issue subpoenas to compel witnesses to testify or produce evidence in a proceeding to deny, revoke, or suspend a license.

Sec. 6. COMPENSATION. The compensation and travel expense allowance for members of the board and its employees shall be provided in the General Appropriations Act.

Sec. 7. FEES. The fees are:

(1) an athletic trainer examination fee of \$20 for each examination taken;

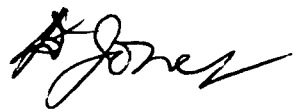
(2) an athletic trainer license fee of \$25; and

(3) an athletic trainer annual license renewal fee of \$10.

Sec. 8. PROHIBITED ACTS. No person may hold himself out as an athletic trainer or perform, for compensation, any of the activities of an athletic trainer as defined in this Act without first obtaining a license under this Act.

Sec. 9. QUALIFICATIONS. An applicant for an athletic trainer license must possess one of the following qualifications:

(1) have met the athletic training curriculum requirements of a college or university approved by the board and give proof of graduation; or



(2) hold a degree in physical therapy ~~or corrective therapy~~ with at least a minor in physical education or health which included a basic athletic training course, hold a valid teaching certificate for the State of Texas, and have spent at least two academic years working under the direct supervision of a licensed athletic trainer; or

(3) have completed at least four years ~~or beyond the secondary school level as an undergraduate or graduate student~~ as an apprentice athletic trainer under the direct supervision of a licensed athletic trainer. These must be consecutive years of supervision, ~~military duty excepted~~.

(4) An out-of-state applicant must fulfill one of the above stated qualifications, (1), (2), or (3), and submit proof of active engagement as an athletic trainer in the State of Texas as set forth in Sec. 16 (b) of this Act.

Sec. 10. ISSUANCE OF LICENSE. (a) An applicant for an athletic trainer license must submit an application to the board on forms prescribed by the board and submit the examination fee required by this Act.

(b) The applicant is entitled to an athletic trainer license if he possesses the qualifications enumerated in Section 9 of this Act, satisfactorily completes the examination administered by the board, pays the license fee as set in Section 7 of this Act, and has not committed an act which constitutes grounds for denial of a license under Section 12 of this Act.

Sec. 11. LICENSE RENEWAL. A license issued pursuant to this Act expires one year from the date of issuance. Licenses shall be renewed according to procedures established by the board and payment of the renewal fee as set in Section 7 of this Act.

Sec. 12. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. The board may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee if he has:

(1) been convicted of a felony or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction; or

(2) secured the license by fraud or deceit; or

(3) violated or conspired to violate the provisions of this Act or rules and regulations issued pursuant to this Act.

Sec. 13. PROCEDURES FOR DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE. (a) Any person whose application for a license is denied is entitled to a hearing before the board if he submits a written request to the board.

(b) Proceedings for revocation or suspension of a license shall be commenced by filing charges with the board in writing and under oath. The charges may be made by any person or persons.

(c) The board shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for hearing, to be served on the applicant requesting the hearing or licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant.

(d) At the hearing the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, and to have subpoenas issued by the board and to cross-examine the opposing or adverse witnesses.



(e) The board is not bound by strict rules of procedure or by the laws of evidence in the conduct of the proceedings but the determination shall be founded upon sufficient legal evidence to sustain it.

(f) The board shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law and the action taken. A copy of the order of the board shall be mailed to the applicant or licensee at his last known address by certified mail.

(g) On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final, and the application shall be made in the manner and form as the board may require.

Sec. 14. PROCEDURES FOR APPEAL. (a) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the board may take an appeal, within 20 days after the order is entered, to any district court of Travis County or to any district court of the county of his residence.

(b) A case reviewed under the provisions of this section proceeds in the district court by trial de novo as that term is used and understood in appeals from justice of the peace courts to the county courts of this state. Appeal from the judgement of the district court lies as in other civil cases.

Sec. 15. PENALTIES. Any person who violates a provision of this Act is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

Sec. 16. ISSUANCE OF LICENSES ON THE EFFECTIVE DATE OF THIS ACT. (a) Any person actively engaged as an athletic trainer on the effective date of this Act shall be issued a license if he submits proof of five years' experience as an athletic trainer within the preceding 10-year period, and pays the license fee required by this Act.

(b) For the purposes of this section a person is actively engaged as an athletic trainer if he is employed on a salary basis by an educational institution, professional athletic organization, or other bona fide athletic organization for the duration of the institution's school year, or the length of the athletic organization's season, and, performs the duties of athletic trainer as a major responsibility of his employment.

the Section 17. EFFECTIVE DATE. Section 8 of this Act becomes effective on January 1, 1972. The remainder of this Act becomes effective on September 1, 1971.

Section 18. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

- 4 -

MAY 5 1971

DATE

READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

HEA
CMB
DAM

D Jones

By: Tarbox, McKissack

H.B. No. 602

A BILL TO BE ENTITLED

AN ACT

relating to the creation, organization, powers, duties, and
procedures of the Texas Board of Athletic Trainers to license
athletic trainers; providing penalties; providing effective dates;
and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. DEFINITIONS. In this Act:

(1) "Athletic Trainer" means a person with specific quali-
fications, as set forth in Section 9 of this Act, who, upon the
advice and consent of his team physician carries out the practice
of prevention and/or physical rehabilitation of injuries incurred
by athletes. To carry out these functions the Athletic trainer is
authorized to use physical modalities such as heat, light, sound,
cold, electricity, or mechanical devices related to rehabilitation
and treatment.

(2) "Board" means the Texas Board of Athletic Trainers.

(3) Nothing herein shall be construed to authorize the
practice of medicine by any person not licensed by the Texas State
Board of Medical Examiners.

(4) The provisions of this act do not apply to physicians
licensed by the Texas State Board of Medical Examiners; to
dentists, duly qualified and registered under the laws of this
state, who confine their practice strictly to dentistry; nor to
licensed optometrists, who confine their practice strictly to
optometry as defined by statute; nor to occupational therapists,

who confine their practice to occupational therapy; nor to nurses who practice nursing only; nor to duly licensed chiropodists or podiatrists, who confine their practice strictly to chiropody or podiatry as defined by statute; nor to physical therapists who confine their practice to physical therapy; nor to masseurs or masseuses in their particular sphere of labor; nor to commissioned or contract physicians or physical therapists or physical therapists assistants in the United States Army, Navy, Air Force, Public Health and Marine Health Service. _____

Sec. 2. TEXAS BOARD OF ATHLETIC TRAINERS. (a) The Texas Board of Athletic Trainers, composed of three members, is created. To qualify as a member, a person must be a citizen of the United States and a resident of Texas for five years immediately preceding appointment. Two members must be licensed athletic trainers, except for the initial appointees, and one member must be a physician licensed by the state. _____

(b) The members of the board shall be appointed by the governor with the advice and consent of the Senate. Except for the initial appointees, members hold office for terms of six years. The terms expire on January 31 of odd-numbered years. In making the initial appointments, the governor shall designate one member for a term expiring in 1973, one member for a term expiring in 1975, and one member for a term expiring in 1977. _____

(c) Each appointee to the board shall qualify by taking the constitutional oath of office within 15 days from the date of his appointment. On presentation of the oath, the secretary of state shall issue commissions to appointees as evidence of their authority to act as members of the board. _____

(d) In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the governor in the same manner as other appointments. _____

Sec. 3. BOARD ORGANIZATION AND MEETINGS. (a) The board shall elect from its members for a term of one year, a chairman, vice chairman, and secretary-treasurer, and may appoint such committees as it considers necessary to carry out its duties. _____

(b) The board shall meet at least twice a year. Additional meetings may be held on the call of the chairman or at the written request of any two members of the board. _____

(c) The quorum required for any meeting of the board is two members. No action by the board or its members has any effect unless a quorum of the board is present. _____

Sec. 4. RECORDS. (a) The board shall keep a record of its proceedings in a book for that purpose. _____

(b) The board shall keep a complete record of all licensed athletic trainers and shall annually prepare a roster showing the names and addresses of all licensed athletic trainers. A copy of the roster shall be made available to any person requesting it on payment of a fee established by the board as sufficient to cover the costs of the roster. _____

Sec. 5. POWERS AND DUTIES OF THE BOARD. (a) The board may make rules and regulations consistent with this Act which are necessary for the performance of its duties. _____

(b) The board shall prescribe application forms for license applicants. _____

(c) The board shall establish guidelines for athletic trainers in the state and prepare and conduct an examination for applicants for a license. _____

(d) The board may employ an executive secretary and other persons necessary to carry out the provisions of this Act. The executive secretary shall have such duties and responsibilities as the board may determine. _____

(e) The board shall adopt an official seal and the form of a license certificate of suitable design. The board shall have suitable office space to administer the provisions of this Act and keep permanent records. _____

(f) Before entering on the discharge of the duties of his office, the secretary-treasurer of the board must give bond for the performance of his duty in an amount determined by the board. The premium on the bond shall be paid from any available funds of the board. _____

(g) The secretary-treasurer of the board shall remit, on or before the 10th day of each month, to the state treasurer all of the fees collected by the board during the preceding month for deposit in the general revenue fund. _____

(h) The board may authorize all necessary disbursements to carry out the provisions of this Act, including the premium on the bond of the secretary-treasurer, stationery expenses, equipment, and facilities necessary to carry out the provisions of this Act. _____

(i) The board may issue subpoenas to compel witnesses to testify or produce evidence in a proceeding to deny, revoke, or suspend a license. _____

Sec. 6. COMPENSATION. The compensation and travel expense allowance for members of the board and its employees shall be provided in the General Appropriations Act. _____

Sec. 7. FEES. The fees are: _____

(1) an athletic trainer examination fee of \$20 for each examination taken; _____

(2) an athletic trainer license fee of \$25; and _____

(3) an athletic trainer annual license renewal fee of \$10. _____

Sec. 8. PROHIBITED ACTS. No person may hold himself out as an athletic trainer or perform, for compensation, any of the activities of an athletic trainer as defined in this Act without first obtaining a license under this Act. _____

Sec. 9. QUALIFICATIONS. An applicant for an athletic trainer license must possess one of the following qualifications: _____

(1) have met the athletic training curriculum requirements of a college or university approved by the board and give proof of graduation; or _____

(2) hold a degree in physical therapy or corrective therapy with at least a minor in physical education or health which included a basic athletic training course, hold a valid teaching certificate for the State of Texas, and have spent at least two academic years working under the direct supervision of a licensed athletic trainer; or _____

(3) have completed at least four years beyond the secondary school level, as an undergraduate or graduate student, as an apprentice athletic trainer under the direct supervision of a licensed athletic trainer. These must be consecutive years of supervision, military duty excepted. _____

(4) An out-of-state applicant must fulfill one of the above stated qualifications, (1), (2), or (3), and submit proof of active engagement as an athletic trainer in the State of Texas as set forth in Section 16(b) of this Act. _____

Sec. 10. ISSUANCE OF LICENSE. (a) An applicant for an athletic trainer license must submit an application to the board on forms prescribed by the board and submit the examination fee required by this Act. _____

(b) The applicant is entitled to an athletic trainer license if he possesses the qualifications enumerated in Section 9 of this Act, satisfactorily completes the examination administered by the board, pays the license fee as set in Section 7 of this Act, and has not committed an act which constitutes grounds for denial of a license under Section 12 of this Act. _____

Sec. 11. LICENSE RENEWAL. A license issued pursuant to this Act expires one year from the date of issuance. Licenses shall be renewed according to procedures established by the board and payment of the renewal fee as set in Section 7 of this Act. _____

Sec. 12. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. The board may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee if he has: _____

(1) been convicted of a felony or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction; or _____

(2) secured the license by fraud or deceit; or _____

(3) violated or conspired to violate the provisions of this Act or rules and regulations issued pursuant to this Act. _____

Sec. 13. PROCEDURES FOR DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE. (a) Any person whose application for a license is denied is entitled to a hearing before the board if he submits a written request to the board. _____

(b) Proceedings for revocation or suspension of a license shall be commenced by filing charges with the board in writing and under oath. The charges may be made by any person or persons. _____

(c) The board shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for hearing, to be served on the applicant requesting the hearing or licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant. _____

(d) At the hearing the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, and to have subpoenas issued by the board and to cross-examine the opposing or adverse witnesses. _____

(e) The board is not bound by strict rules of procedure or by the laws of evidence in the conduct of the proceedings but the determination shall be founded upon sufficient legal evidence to sustain it. _____

(f) The board shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law and the action taken. A copy of the order of the board shall be mailed to the applicant or licensee at his last _____

known address by certified mail. _____

(g) On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final, and the application shall be made in the manner and form as the board may require. _____

Sec. 14. PROCEDURES FOR APPEAL. (a) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the board may take an appeal, within 20 days after the order is entered, to any district court of Travis County or to any district court of the county of his residence. _____

(b) A case reviewed under the provisions of this section proceeds in the district court by trial de novo as that term is used and understood in appeals from justice of the peace courts to the county courts of this state. Appeal from the judgement of the district court lies as in other civil cases. _____

Sec. 15. PENALTIES. Any person who violates a provision of this Act is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. _____

Sec. 16. ISSUANCE OF LICENSES ON THE EFFECTIVE DATE OF THIS ACT. (a) Any person actively engaged as an athletic trainer on the effective date of this Act shall be issued a license if he submits proof of five years' experience as an athletic trainer within the preceding 10-year period, and pays the license fee required by this Act. _____

(b) For the purposes of this section a person is actively engaged as an athletic trainer if he is employed on a salary basis by an educational institution, professional athletic organization, or other bona fide athletic organization for the duration of the institution's school year, or the length of the athletic organization's season, and, performs the duties of athletic trainer as the major responsibility of his employment. _____

Sec. 17. EFFECTIVE DATE. Section 8 of this Act becomes effective on January 1, 1972. The remainder of this Act becomes effective on September 1, 1971. _____

Sec. 18. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended. _____

Snelsen
Patman
Hall

Austin, Texas

May 13, 1971

Hon. Ben Barnes
President of the Senate

Sir:

We, your Committee on Public Health,
to which was referred H. B. No. 607, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.

Keener
Chairman

ENROLLED

H.B. No. 602

AN ACT

relating to the creation, organization, powers, duties, and procedures of the Texas Board of Athletic Trainers to license athletic trainers; providing penalties; providing effective dates; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. DEFINITIONS. In this Act:

(1) "Athletic Trainer" means a person with specific qualifications, as set forth in Section 9 of this Act, who, upon the advice and consent of his team physician carries out the practice of prevention and/or physical rehabilitation of injuries incurred by athletes. To carry out these functions the Athletic trainer is authorized to use physical modalities such as heat, light, sound, cold, electricity, or mechanical devices related to rehabilitation and treatment.

(2) "Board" means the Texas Board of Athletic Trainers.

(3) Nothing herein shall be construed to authorize the practice of medicine by any person not licensed by the Texas State Board of Medical Examiners.

(4) The provisions of this act do not apply to physicians licensed by the Texas State Board of Medical Examiners; to dentists, duly qualified and registered under the laws of this state, who confine their practice strictly to dentistry; nor to licensed optometrists, who confine their practice strictly to optometry as defined by statute; nor to occupational therapists,

who confine their practice to occupational therapy; nor to nurses who practice nursing only; nor to duly licensed chiropodists or podiatrists, who confine their practice strictly to chiropody or podiatry as defined by statute; nor to physical therapists who confine their practice to physical therapy; nor to masseurs or masseuses in their particular sphere of labor; nor to commissioned or contract physicians or physical therapists or physical therapists assistants in the United States Army, Navy, Air Force, Public Health and Marine Health Service.

Sec. 2. TEXAS BOARD OF ATHLETIC TRAINERS. (a) The Texas Board of Athletic Trainers, composed of three members, is created. To qualify as a member, a person must be a citizen of the United States and a resident of Texas for five years immediately preceding appointment. Two members must be licensed athletic trainers, except for the initial appointees, and one member must be a physician licensed by the state.

(b) The members of the board shall be appointed by the governor with the advice and consent of the Senate. Except for the initial appointees, members hold office for terms of six years. The terms expire on January 31 of odd-numbered years. In making the initial appointments, the governor shall designate one member for a term expiring in 1973, one member for a term expiring in 1975, and one member for a term expiring in 1977.

(c) Each appointee to the board shall qualify by taking the constitutional oath of office within 15 days from the date of his appointment. On presentation of the oath, the secretary of state shall issue commissions to appointees as evidence of their authority to act as members of the board.

(d) In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the governor in the same manner as other appointments.

Sec. 3. BOARD ORGANIZATION AND MEETINGS. (a) The board shall elect from its members for a term of one year, a chairman, vice chairman, and secretary-treasurer, and may appoint such committees as it considers necessary to carry out its duties.

(b) The board shall meet at least twice a year. Additional meetings may be held on the call of the chairman or at the written request of any two members of the board.

(c) The quorum required for any meeting of the board is two members. No action by the board or its members has any effect unless a quorum of the board is present.

Sec. 4. RECORDS. (a) The board shall keep a record of its proceedings in a book for that purpose.

(b) The board shall keep a complete record of all licensed athletic trainers and shall annually prepare a roster showing the names and addresses of all licensed athletic trainers. A copy of the roster shall be made available to any person requesting it on payment of a fee established by the board as sufficient to cover the costs of the roster.

Sec. 5. POWERS AND DUTIES OF THE BOARD. (a) The board may make rules and regulations consistent with this Act which are necessary for the performance of its duties.

(b) The board shall prescribe application forms for license applicants.

(c) The board shall establish guidelines for athletic trainers in the state and prepare and conduct an examination for applicants for a license.

(d) The board may employ an executive secretary and other persons necessary to carry out the provisions of this Act. The executive secretary shall have such duties and responsibilities as the board may determine.

(e) The board shall adopt an official seal and the form of a license certificate of suitable design. The board shall have suitable office space to administer the provisions of this Act and keep permanent records.

(f) Before entering on the discharge of the duties of his office, the secretary-treasurer of the board must give bond for the performance of his duty in an amount determined by the board. The premium on the bond shall be paid from any available funds of the board.

(g) The secretary-treasurer of the board shall remit, on or before the 10th day of each month, to the state treasurer all of the fees collected by the board during the preceding month for deposit in the general revenue fund.

(h) The board may authorize all necessary disbursements to carry out the provisions of this Act, including the premium on the bond of the secretary-treasurer, stationery expenses, equipment, and facilities necessary to carry out the provisions of this Act.

(i) The board may issue subpoenas to compel witnesses to testify or produce evidence in a proceeding to deny, revoke, or suspend a license.

Sec. 6. COMPENSATION. The compensation and travel expense allowance for members of the board and its employees shall be provided in the General Appropriations Act.

Sec. 7. FEES. The fees are:

- (1) an athletic trainer examination fee of \$20 for each examination taken;
- (2) an athletic trainer license fee of \$25; and
- (3) an athletic trainer annual license renewal fee of \$10.

Sec. 8. PROHIBITED ACTS. No person may hold himself out as an athletic trainer or perform, for compensation, any of the activities of an athletic trainer as defined in this Act without first obtaining a license under this Act.

Sec. 9. QUALIFICATIONS. An applicant for an athletic trainer license must possess one of the following qualifications:

- (1) have met the athletic training curriculum requirements of a college or university approved by the board and give proof of graduation; or
- (2) hold a degree in physical therapy or corrective therapy with at least a minor in physical education or health which included a basic athletic training course, hold a valid teaching certificate for the State of Texas, and have spent at least two academic years working under the direct supervision of a licensed athletic trainer; or
- (3) have completed at least four years beyond the secondary school level, as an undergraduate or graduate student, as an apprentice athletic trainer under the direct supervision of a licensed athletic trainer. These must be consecutive years of supervision, military duty excepted.

(4) An out-of-state applicant must fulfill one of the above stated qualifications, (1), (2), or (3), and submit proof of active engagement as an athletic trainer in the State of Texas as set forth in Section 16(b) of this Act.

Sec. 10. ISSUANCE OF LICENSE. (a) An applicant for an athletic trainer license must submit an application to the board on forms prescribed by the board and submit the examination fee required by this Act.

(b) The applicant is entitled to an athletic trainer license if he possesses the qualifications enumerated in Section 9 of this Act, satisfactorily completes the examination administered by the board, pays the license fee as set in Section 7 of this Act, and has not committed an act which constitutes grounds for denial of a license under Section 12 of this Act.

Sec. 11. LICENSE RENEWAL. A license issued pursuant to this Act expires one year from the date of issuance. Licenses shall be renewed according to procedures established by the board and payment of the renewal fee as set in Section 7 of this Act.

Sec. 12. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. The board may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee if he has:

(1) been convicted of a felony or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction; or

(2) secured the license by fraud or deceit; or

(3) violated or conspired to violate the provisions of this Act or rules and regulations issued pursuant to this Act.

Sec. 13. PROCEDURES FOR DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE. (a) Any person whose application for a license is denied is entitled to a hearing before the board if he submits a written request to the board.

(b) Proceedings for revocation or suspension of a license shall be commenced by filing charges with the board in writing and under oath. The charges may be made by any person or persons.

(c) The board shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for hearing, to be served on the applicant requesting the hearing or licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant.

(d) At the hearing the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, and to have subpoenas issued by the board and to cross-examine the opposing or adverse witnesses.

(e) The board is not bound by strict rules of procedure or by the laws of evidence in the conduct of the proceedings but the determination shall be founded upon sufficient legal evidence to sustain it.

(f) The board shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law and the action taken. A copy of the order of the board shall be mailed to the applicant or licensee at his last

known address by certified mail:

(g) On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final, and the application shall be made in the manner and form as the board may require.

Sec. 14. PROCEDURES FOR APPEAL. (a) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the board may take an appeal, within 20 days after the order is entered, to any district court of Travis County or to any district court of the county of his residence.

(b) A case reviewed under the provisions of this section proceeds in the district court by trial de novo as that term is used and understood in appeals from justice of the peace courts to the county courts of this state. Appeal from the judgement of the district court lies as in other civil cases.

Sec. 15. PENALTIES. Any person who violates a provision of this Act is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

Sec. 16. ISSUANCE OF LICENSES ON THE EFFECTIVE DATE OF THIS ACT. (a) Any person actively engaged as an athletic trainer on the effective date of this Act shall be issued a license if he submits proof of five years' experience as an athletic trainer within the preceding 10-year period, and pays the license fee required by this Act.

(b) For the purposes of this section a person is actively engaged as an athletic trainer if he is employed on a salary basis by an educational institution, professional athletic organization, or other bona fide athletic organization for the duration of the institution's school year, or the length of the athletic organization's season, and, performs the duties of athletic trainer as the major responsibility of his employment.

Sec. 17. EFFECTIVE DATE. Section 8 of this Act becomes effective on January 1, 1972. The remainder of this Act becomes effective on September 1, 1971.

Sec. 18. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

Lieutenant Governor
President of the Senate

Speaker of the House

I hereby certify that H.B. No. 602 was passed by the House on May 7, 1971, by a non-record vote.

Chief Clerk of the House

H.B. No. 602

I hereby certify that H.B. No. 602 was passed by the Senate
on May 22, 1971, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: 5-28-71

Date

Signed
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:45 PM
O'CLOCK

MAY 28 1971

Secretary of State

Effective date : See Sec. 17



MEMO
FROM
House of Representatives

To the Enrolling Engrossing Dept.

From Dorothy Hallman, Chief Clerk

The records, including the Journal,
will reflect that Representative

Dick McKissack is the co-sponsor

of House Bill No. 602. This is

done at the request of the author,

Representative Elmer Tarbox.

Dorothy Hallman
Chief Clerk.

H.B. No. 602C
602

By Jarby

MAY 5 1971 H.B. #602

A BILL TO BE ENTITLED
AN ACT

relating to the creation, organization, powers, duties, and
procedures of the Texas Board of Athletic Trainers to license
athletic trainers; providing penalties; providing effective dates;
and declaring an emergency.

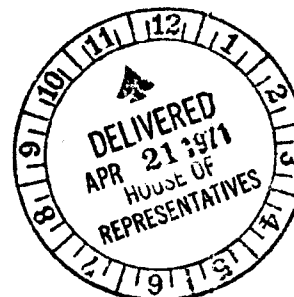
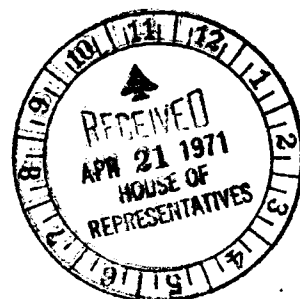
FILED
FEB 17 1971

READ 1ST TIME
AND REFERRED TO COMMITTEE ON
Governmental Affairs &
Efficiency
Dorothy Hallman
Chief Clerk, House of Representatives

APR 20 1971

REPORTED FAVORABLY SENT TO PRINTER

AS AMENDED



MOTION TO SUSPEND ALL NECESSARY RULES IN
ORDER TO TAKE UP AND CONSIDER AT THIS TIME
H.B. #602 PREVAILED BY NON-RECORD VOTE.

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 5 1971
READ SECOND
TIME Amended AND

ORDERED By non-record
vote

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 5 1971

MOTION TO RECONSIDER THE VOTE BY
WHICH H.B. #602 passed
~~ADOPTED~~ passed AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED passed BY A non-record VOTE OF

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

PRINTED, DISTRIBUTED AND
REFERRED TO COMMITTEE ON
RULES 11:15 A M, APR 21 1971
(Time) (Date)

MAY 5 1971 SENT TO ENGROSSING CLERK

By: Tarbox, McKissack

H.B. No. 602 C

A BILL TO BE ENTITLED

AN ACT

relating to the creation, organization, powers, duties, and procedures of the Texas Board of Athletic Trainers to license athletic trainers; providing penalties; providing effective dates; and declaring an emergency. _____

2-17-71 Filed. _____

2-22-71 Read first time and referred to Committee on Governmental Affairs and Efficiency. _____

4-20-71 Reported favorably as amended, sent to printer. _____

4-21-71 Printed, distributed and referred to Committee on Rules at 11:15 a.m. _____

5- 5-71 Motion to suspend all necessary rules to consider prevailed by a non-record vote. _____

5- 5-71 Read second time, amended and ordered engrossed by a non-record vote. _____

Dorothy Hallman
Chief Clerk, H. of R.

5- 5-71 Sent to Engrossing Clerk. _____

5- 5-71 Engrossed. _____

Area Suppin
Engrossing Clerk, H. of R.

MAY 6 1971 RETURNED FROM ENGROSSING CLERK

MAY 7 1971

Read third time

and Passed

by following vote: yeas 70

noes 20

Dorothy Hallman

Chief Clerk

HOUSE OF REPRESENTATIVES

MAY 7 1971

MOTION TO RECONSIDER THE VOTE BY

WHICH H.B. No. 602 WAS

ADOPTED AND TO TABLE THE MOTION TO RECON-

SIDER PREVAILED PASSED BY A yeas 70 VOTE OF

Dorothy Hallman

CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 7 1971

SENT TO SENATE

MAY 22 1971

RETURNED FROM SENATE SENT TO ENROLLING CLERK

MAY 10 1971

Received from the House

MAY 10 1971

Read, referred to Committee on

Public Health

MAY 14 1971

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Regular order of business suspended by

(unanimous consent.

(years, nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of years, nays.

MAY 22 1971

Read second time *and* passed to third reading.

Caption ordered amended to conform to body of bill.

MAY 22 1971

Senate and Constitutional 3-Day Rules suspended by vote of

31 years, *0* nays to place bill on third reading and final passage.

MAY 22 1971

Read third time and passed by

(a viva voce vote.

(*31* years, *0* nays.

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

RETURNED FROM SENATE

MAY 22 1971

Norothy Hallinan

MAY 22 1971

Returned to HOUSE

House of Representatives

Public Health

MAY 26 1971
